**HON'BLE SRI JUSTICE N.V. RAMANA**

**WRIT PETITION No.8808 of 2004**

**Date : 28-07-2006**

Between:

E. Gopal

… Petitioner/s

and

The Regional Manager,
A.P.S.R.T.C.,
Kurnool Region,
Kurnool District and another.

…Respondent/s

**HON'BLE SRI JUSTICE N.V. RAMANA**

**WRIT PETITION No.8808 of 2004**

**O R D E R :**

This writ petition is filed seeking mandamus declaring the action of the second respondent in issuing the Proceedings No.P1/255(1)/04-ADN, dated 11-3-2004 reducing his pay to Rs.4,520/- as illegal and arbitrary and consequently set aside the same.

The petitioner joined in the service of the respondent Corporation as a Conductor on 26-11-1973. While so, impugned order dated 11-3-2004 was issued seeking to recover an amount of Rs.1,200/- per month towards the excess amount paid to the petitioner. It is the case of the petitioner that the said order is passed without any notice or without giving the particulars of the period of such recovery, that too without following the procedure contemplated under APSRTC (CCA) Regulations before recovery. In spite of making representation to the respondents, no orders have been passed. Hence the present writ petition.

The respondents have filed counter denying the petition averments. In the counter, it is stated that as per the procedure recovery was made as per the directions of the Audit by issuing an Office Order. It is further stated that since the recovery is only

rectification of mistake, but not as punishment, the Regulations relied on by the petitioner does not applicable to the case of the petitioner, and hence, sought for dismissal of the writ petition.

Heard learned counsel for the petitioner and the learned standing counsel for the respondents Corporation.

At the time of hearing, it is represented that in similar circumstances, in W.P.No.6423 of 2004, dated 5-4-2004, this Court while setting aside the impugned order, directed the respondents therein to furnish the details of excess payments made to the petitioner therein after giving reasonable opportunity to the petitioner and pass appropriate orders in accordance with law as regards recovery.

Following the same, this writ petition is also disposed of with the same direction. No costs.

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N.V. RAMANA, J

28-07-2006.
Msr.

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28-07-2006
(Msr)